

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:21-cr-73

vs.

DEMETRIUS DIXON,

District Judge Michael J. Newman

Defendant.

ORDER: (1) SUSTAINING DEFENDANT DEMETRIUS DIXON’S OBJECTION TO THE PSR; AND (2) DIRECTING U.S. PROBATION TO SUBMIT AN ADDENDUM TO THE PSR WITH A NEW SENTENCING GUIDELINES CALCULATION AND SENTENCING RECOMMENDATION

This criminal case is before the Court following a teleconference held on Defendant’s objection to U.S. Probation’s calculation of his offense level under the United States Sentencing Guidelines (“U.S.S.G.”) in the Final Presentence Investigation Report (“PSR”). *See* Doc. No. 41, PageID 264-65.

Defendant contends that the facts of the case do not support the inclusion of a four-level enhancement to his base offense level, pursuant to U.S.S.G. § 2K2.1(b)(6)(B), for possession of a firearm in connection with a felony offense. *See* Doc. No. 41 at PageID 264.

At the teleconference, the government agreed with defense counsel that the § 2K2.1(b)(6)(B) enhancement is inapplicable and stated that the government would not challenge Defendant’s objection to the PSR.

Based upon the parties’ agreement and after a careful review of the underlying facts at issue, the Court finds that U.S.S.G. § 2K2.1(b)(6)(B) does not apply to the instant case. The Court therefore **SUSTAINS** Defendant’s objection to the PSR and **DIRECTS** the Probation Officer to

promptly submit an addendum to the PSR with a new Guidelines calculation and sentencing recommendation.

IT IS SO ORDERED.

October 21, 2022

/s Michael J. Newman
Hon. Michael J. Newman
United States District Judge

cc: U.S. Probation